

Office Action filed on December 5, 2003, in particular the Remarks and new drawings are believed to have been entered and are not provided herewith.

### **AMENDMENTS**

In response to the Office Action of October 7, 2003, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

#### **Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

#### **Listing of Claims:**

Claim 1 (previously presented) A method for transferring genetic material into a mammalian muscle cell or tumor cell, comprising administering to the muscle cell or tumor cell a recombinant genetic material comprising:

- (a) DNA sequences of a non-human adenovirus which code for at least a viral protein coat, and
- (b) one or more DNA sequences which code for peptides or polypeptides which are heterologous in relation to the non-

human adenovirus, in operative linkage to expression control sequences.

Claim 2 (previously presented) The method of claim 1, wherein the adenovirus is a non-human species selected from mammals and birds.

Claim 3 (previously presented) The method of claim 2, wherein the adenovirus is an ovine or bovine adenovirus.

Claim 4 (previously presented) The method of claim 2, wherein the adenovirus is an ovine or bovine mastadenovirus or atadenovirus.

Claim 5 (previously presented) The method of claim 1, wherein the adenovirus is the OAV isolate 287.

Claim 6 (previously presented) The method of any of claims 1 to 5, wherein the cell is a human cell.

Claim 7 (previously presented) The method of any of claims 1 to 5, wherein the cell is a human skeletal muscle cell.

Claim 8 (previously presented) The method of claim 7 wherein the human muscle cell is selected from myocytes/myotubes/myofibers,

fibroblasts, dendritic cells, endothelial cells and combinations thereof.

Claim 9 (currently amended) The method of any of claims 1 to 5 ~~or 8~~  
wherein the administration step is repeated at least once.

Claim 10 (previously presented) A method for transferring genetic material into a cell for the production of recombinant protein in cell culture, comprising administering to the cell a recombinant genetic material comprising  
(a) DNA sequences of a non-human adenovirus which code for at least a viral protein coat and  
(b) one or more DNA sequences which code for peptides or poly peptides which are heterologous in relation to the non-human adenovirus, in operative linkage to expression control sequences.

Claim 11 (previously presented) The method of claim 10, wherein the adenovirus is a non-human species selected from mammals and birds.

Claim 12 (previously presented) The method of claim 11, wherein the adenovirus is an ovine or bovine adenovirus.

Claim 13 (previously presented) The method of claim 11, wherein the adenovirus is an ovine or bovine mastadenovirus or atadenovirus.

Claim 14 (previously presented) The method of claim 10, wherein the adenovirus is the OAV isolate 287.

Claim 15 (previously presented) The method of any of claims 10 to 14, wherein the cell is a human cell.

Claim 16 (previously presented) The method of any of claims 10 to 14, wherein the cell is a human skeletal muscle cell.

Claim 17 (previously presented) The method of claim 16, wherein the human muscle cell is selected from myocytes/myotubes/myofibers, fibroblasts, dendritic cells, endothelial cells and combinations thereof.

Claim 18 (new) The method of claim 7 wherein the administration step is repeated at least once.

### **REMARKS/ARGUMENTS**

#### **Objections to the Claims**

Claim 9 was objected to in the Office Action of October 7, 2003 under 37 CFR 1.75(c) as being in improper form because a multiple dependent

claim may not depend from a multiple dependent claim. Applicants have amended claim 9 herein to no longer depend from multiple dependent claim 8, and the objection should now be removed.

The foregoing is submitted as a full and complete response to the Notice of Non-Compliant Amendment mailed December 24, 2003. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to deposit account no. 19-5029.

If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8422.

Respectfully submitted,



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